



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB - 1 2013

The Honorable Sanford D. Bishop, Jr.
House of Representatives
Washington, D.C. 20515

Dear Congressman Bishop:

Thank you for your December 14, 2012, letter to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, requesting the review of our recent approval of new nutrient water quality standards adopted by the state of Florida that may apply to the BASF facility located in Attapulugus, Georgia. Your letter has been referred to my office for a response.

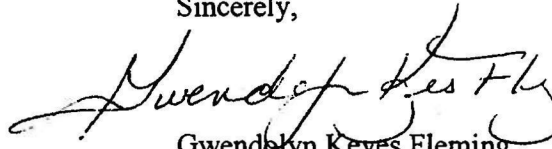
As background, the BASF facility discharges to Little Attapulugus Creek three miles above the Florida state line. That waterbody flows into the Little River in Florida, which, in turn, enters Lake Talquin in Leon County, Florida. The Florida Department of Environmental Protection has recently adopted and the EPA has approved lake numeric nutrient standards that are appropriate for Lake Talquin and stream numeric nutrient standards that are appropriate for the Little River. However, due to other provisions of the Florida regulations, the effective date of these standards is uncertain. We are working closely with the state of Florida to resolve these uncertainties. Until those uncertainties are resolved, Florida's narrative water quality standard to prevent pollution from excessive levels of nutrients remains in effect.

I understand your concerns regarding the effect these new standards will have on the BASF facility in Attapulugus, Georgia. The EPA and the state of Georgia are required by law to ensure that any permit issued to a facility has appropriate limitations and conditions that ensure a downstream state's water quality standards are achieved. Concerns have been raised by Leon County, Florida, with regard to the impact BASF's discharges may be having on Lake Talquin. We are working closely with both the state of Georgia, through the Georgia Environmental Protection Division, and with the FDEP to clarify the status of the receiving waters, both in Lake Talquin and in the Little River. This information will then be used by Georgia EPD to develop appropriate effluent limitations and conditions to ensure that the discharges from the BASF facility will not cause or contribute to downstream violations of Florida's water quality standards (i.e., either the existing narrative or the numeric standards once they are effective).

I am also aware of BASF's concerns with having to possibly install incremental treatment processes, given the uncertain status of the Florida standards, only to have additional requirements imposed at a later date. BASF has expressed a desire to have a clear understanding of its final permit requirements so that it can make appropriate business decisions with regard to any additional treatment it may need to install. I share that desire and I have asked my Water Protection Division to ensure that, by working with both states, EPD can clearly define the requirements for the BASF facility and issue an appropriate permit in accordance with the requirements of the Clean Water Act.

If you have questions or need additional information from the EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gwendolyn Keyes Fleming". The signature is fluid and stylized, with the first name being the most prominent.

Gwendolyn Keyes Fleming
Regional Administrator